

Meeting No. 10  
July 12, 2004  
Hamburg Town Board Meeting  
S-6100 South Park Avenue  
Hamburg, New York 14075

Supervisor Hoak calls the meeting to order at 7:00 p.m.

Roll Call:	Patrick H. Hoak	Supervisor
	D. Mark Cavalcoli	Councilman
	Kathleen C. Hochul	Councilwoman
	Joan A. Kesner	Councilwoman
	Thomas Quatroche, Jr.	Councilman
Also Present:	Catherine Rybczynski	Town Clerk
	Richard Boehm	Deputy Town Attorney
	Gerard Kapsiak	Town Engineer
	James Spute	Finance Director
	Joseph Coggins	Police Chief
	Drew Reilly	Planning Consultant
	Robert Hutchison	Town Assessor
	Martin Denecke	Director of Recreation
	Tim Regan	Community Development Assistant
	Kurt Allen	Supervising Building Inspector

The Pledge of Allegiance was recited.

Information on Fire Exits was provided.

Supervisor Hoak comments that they will be honoring the recipients of the Character Trait of the month and he turns it over to Councilwoman Hochul.

Councilwoman Hochul comments the Town of Hamburg is a Character First Community and they recognize Town employees who have been nominated by their co-workers for the various character traits. They are presenting the month of June which is Forgiveness and the month of July which is Enthusiasm. The winner for June, Forgiveness is Robert Hutchison: working with Bob on a community basis it has become aware that not only is he a hard working and truthful person, but a person who does not hold a grudge against clients or employees. Bob is in constant contact with residents regarding annoying issues and he handles each and every client with respect and dignity, even after receiving personal attacks, he does not hold a grudge or say a bad word. He is our Town Assessor. Congratulations to Bob. She is really excited that we received so many nominations for Enthusiasm. Enthusiasm is the wholehearted effort engaging in optimistic spirit for the completion of tasks. They had many people recommended by their co-workers which is a sign of the spirit we have here in the Town of Hamburg. The nominees are Catherine Rybczynski, Town Clerk, during her stint as personnel director and then continuing on to become Town Clerk, she has shown great enthusiasm for her job. Each task is started, worked through, and ended with positive direction and attitude. Congratulations Cathy. Sean Fanning, Building and Grounds Department, calling on Sean is “like never having to say you’re sorry” working with Sean on Town projects, or calling for a last minute favor, his response is always, “No problem, we’ll get right on that.” That kind of enthusiastic attitude is appreciated. Karen Rogers, a Hamburg Volunteer, has taken on the task to decorate the Town for all seasons with the most positive and optimistic spirit. Karen is an asset to this community, not only due to the physical changes she has made possible, but also her never ending enthusiasm for accomplishments. Marcia Seflein, Highway Department and Sharon Potter, Building & Grounds Department, these employees are responsible for filling many responsibilities. They are the front line of communication, representing the Town to the residents and they enthusiastically fulfill all their obligations. Congratulations to Marcia and Sharon. Barb Sheffler, Recreation Specialist for Senior Services, has brought a high level of enthusiasm to her division. She constantly interacts with those in the Senior Service fitness center and is always encouraging and inspires confidence. She gives hope to those she interacts with. Donna Gavin, who we consider our go to person on many projects. She is involved with the Traffic Safety Board, our Town Rejuvenation Project and she adds that extra boost of spirit that we appreciate in the Town of Hamburg. Last, but not least, by unanimous vote from the Town Board, Rosemary McManus gets the enthusiasm award for being the “fun” coordinator for the Town of Hamburg. She is involved with every event including the Town Clean-up, the Blast on the Beach and she helps make things run very smoothly for all the Town Councilman. She congratulates everyone.

Supervisor Hoak states that a lot of these individuals have been with the Town for eighteen plus years and when you first come into the job you would like to think there is a lot of enthusiasm, but to carry it for that many years is a credit to those individuals. Also, with some of the newcomers it is a pleasure to come to work and see the inner workings of individuals helping each other out. This makes it a pleasure to work in this Town.

Councilwoman Hochul comments that producing the posters for these Character Traits can be very costly. Forgiveness was sponsored by Legislator Jeanne Chase and Enthusiasm was sponsored by the Hamburg Village Board, next months trait Unity is sponsored by the Hamburg Town Board. They will be looking for nominations for Unity which is the strength of individuals working together to create a powerful force. She then asks that everyone come forward and be recognized.

Supervisor Hoak comments on the following public hearing, that no action will be taken for at least two weeks so that anyone who could not appear this evening would have a chance to submit any comments. Also that they can discuss all the options and opinions of the people present.

7:00 p.m. Public Hearing for an amendment to said Zoning Code for property located on the corner of Dorchester Parkway & McKinley Parkway to be rezoned from C-3 (Office District) to C-1 (Local Retail Business District).

Catherine Rybczynski, Town Clerk, reads the following notice as published in the Hamburg Sun and the Front Page:

**LEGAL NOTICE**  
**TOWN OF HAMBURG**

PLEASE TAKE NOTICE that there has been presented to the Town Board on June 14<sup>th</sup>, 2004, pursuant to the Municipal Home Rule Law, a proposed local law to be known as proposed local law #3, 2004; said local law provides for the amendment of Local Law #10, 1986, Chapter 280-Zoning and provides substantially as follows:

For the adoption of an amendment to said Zoning Code for property located on the corner of Dorchester Parkway & McKinley Parkway. The property is to be rezoned from C-3 (Office District) to C-1 (Local Retail Business District) and further described as follows:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie and State of New York, being part of Lot Number 48, Township 9, Range 7 of the Holland Land Company's Survey, described as follows:

BEGINNING at the northeasterly corner of Subdivision Lot Number 92 as shown on a map filed in the Erie County Clerk's Office under Map Cover 925, said point being on the centerline of Dorchester Parkway; THENCE south along the easterly line of said Subdivision Lot Number 92, said line being at right angles to Dorchester Parkway, a distance of 233.00 feet to the southeasterly corner of Subdivision Lot Number 92; THENCE westerly along the south line of said Subdivision Lot Number 92 and parallel with Dorchester Parkway, a distance of 149.32 feet, more or less to a point in the easterly line of McKinley Parkway as described in a deed recorded in the Erie County Clerk's Office in Liber 2667 of Deeds at Page 426; THENCE , northerly along the easterly line of McKinley Parkway, a distance of 233.04 feet, more or less to a point in the centerline of Dorchester Parkway; THENCE easterly along the centerline of Dorchester Parkway, a distance of 154.36 feet, more or less to the place or point of beginning.

THEREFORE, pursuant to the statutes and the provisions of the Municipal Home Rule Law, the Town Board of the Town of Hamburg will hold a public hearing on July 12<sup>th</sup>, 2004 at 7:00 p.m. (Local time), at which time all interested persons may be heard.

Dated: June 14, 2004

Catherine Rybczynski  
Town Clerk  
Town of Hamburg

Drew Reilly comments that they always do a brief presentation on this and then ask the public for questions and comments. They are going to ask that people come up to the microphone so they can get a good record of their comments. They looked at rezoning this area a good five years ago. This area is a mixture of large commercial properties, and in between there is a mixture of C-3 properties, which allows for Offices, residential properties and also some C-2 property. In 1999 they had a public hearing to rezone much of the land to a new commercial zoning category, H-C, Hamburg Commercial. There were a lot of concerns so they tabled it and never took action on it. They now have a proposal for one piece of property, but they are going to consider the area. The proposal is for the southeast corner of Dorchester and McKinley. It is approximately 3/4 of an acre. They show an aerial view and he describes this. They then show the zoning map and he describes the surrounding area. The request is to change the parcel to C-1. They chose C-1, because they didn't want the expansion of C-2. The section of C-2 along McKinley Parkway has no residential properties behind it. The difference between now and five years ago is that the McKinley Parkway Overlay is in affect. The Overlay is for all the parcels that front on McKinley. The Overlay states that there are additional requirements for aesthetics, access, buffering, etc.

Councilwoman Hochul asks Drew to describe H-C and explain their objective for creating that zoning.

Drew comments that H-C was created to allow for small retail uses. They really didn't want McKinley to turn into another Niagara Falls Boulevard. There are residential properties on Burke and on Allendale and they wanted smaller uses in that area. If all those parcels were developed into larger commercial properties there would be problems making a left onto McKinley. Councilman Quatroche comments that there was also a concern at the time with the height of the buildings. Drew comments that C-3 would allow for six story buildings and they didn't want that for the area, so they looked at H-C. Councilwoman Hochul comments that City Mattress used to be a truck stop. Now it is aesthetically more attractive with the brick building and setbacks. That is a standard that they have set for the rest of McKinley. There was the thought to keep the area residential, but the Town was litigated against for the northeast corner of Highland because the area didn't have residential character and the Master Plan agreed. The people who are living there would have a problem selling their residential properties.

Councilman Cavalcoli comments that this has been a very complex area for the Town Board and the Planning Department. They are trying to set some levels of criteria to block the spread of commercial along McKinley Parkway.

Drew comments that the Comprehensive Plan calls for no rezonings south of seven corners. The Master Plan does designate this area as commercial, the type of commercial is to be determined by the Town taking into consideration the residential nature behind there and wanting to control the access and keep the traffic down. He points out that this is not for an area wide rezoning it is specific to this parcel and they want to put a bank there.

Supervisor Hoak opens this up to the public at this time. This is for public comment only on this corner.

Joe Holland, 4046 Allendale Parkway, is concerned about the traffic. He is concerned about the driveway on Dorchester. They are having trouble with traffic now. Councilman Quatroche asks Drew to comment on the traffic study and why it was put on Dorchester. Drew comments that there is no formal proposal yet. The proposal is to rezone the property. If the property got rezoned to C-1 the applicant would come before the Planning Board with a proposal. One of the issues why they are considering the corner is that this is on a corner with access both on McKinley and Dorchester. There will need to be a traffic study. Mr. Holland comments that they are having trouble with people cutting through Allendale and Dorchester to avoid the light. During football games and going to College they cut through Swiss Chalet, the muffler place, the mattress place and they have an eighty year old woman who can't walk out to get her mail because they go through stop signs and are speeding. They cannot even back down their driveway. Councilman Cavalcoli comments that, whether or not this goes into affect, they still have a problem with traffic. Mr. Holland comments that there is a sign that is blocking an intersection. He is against the rezoning. Councilman Cavalcoli comments that they will bring the traffic problem to the attention of the Police. Drew comments that they have discussed closing off Dorchester. That could stop some of the cutting through that area. Also, the State is reconfiguring seven corners and they are looking at doing some projects related to that. Mr. Holland comments that they are concerned because there have been too many accidents along McKinley Parkway.

Bill Kilmain, 4537 Dorchester, questions what the benefits are of putting in a bank. There are so many banks already and with on-line banking available it doesn't make sense. The traffic through there is unbelievable and if you allow more traffic to go down through there it will create more of a problem.

Councilman Quatroche comments that one of things they looked at originally was the fact that if office buildings went up there, there could be six story buildings. When they looked at Hamburg Commercial, they wanted to find retail types that act like office businesses and also create a zone that wouldn't allow for that height of building. So, in that discussion a bank would have similar office hours to an office building and would have the possibility of not being a six story building. He wants him to understand what could go there if a bank doesn't. Drew comments that banks are supposed to be more commercially friendly. Mr. Kilmain comments that with an office building you would have less traffic than a bank. A bank would have more traffic coming and going all day long. Mr. Reilly comments that they have decided to get rid of the C-3 zoning, they now need to decide what to replace it with. Councilwoman Hochul comments that there can be high volume traffic at office buildings as well. Windsong medical park in Amherst is jammed all the time. There is pressure to turn McKinley into a large commercial area. They are struggling to find something that is low density, low volume and allows the property owner to develop their property, but within reason. She doesn't want to see a bar with late hours, lights and noise. Banks traditionally close at 4:00, except for the driveway ATM's. They don't have all the answers at this point, but there is an effort on their part to come up with something that will work

this stretch of land and make it aesthetically pleasing, not high volume and take into consideration the residents that live in that area. Mr. Kilain comments that no matter what happens something must be done to stop the traffic going through his area. Will a red light go up if a bank goes in there. Councilwoman Hochul responds that the County Highway Department would not pay for a traffic signal and they would have to approve it also. They struggled to get one where there are hundreds of school children everyday. Even if there is the desire to have a traffic signal there, it will not be an overnight solution. The volume could generate it.

Councilman Cavalcoli comments that what they are hearing is that there is a traffic problem there no matter what happens. We don't need to hear from other people if their concern is traffic because it is becoming clear that they need to look at that area in its existing condition. Whatever goes in there, whether it is a bank or retail store, it has to go before the Planning Board and there would be additional studies done at that time. Traffic will be dealt with regardless.

Councilwoman Hochul comments that the Chief of Police is present and she asks that he send patrol cars to that area and project out the Bill's games in the future. They know the dates and that it is a major cut through and a hassle for people living there.

Ken Nuwer, 4056 Allendale, reads part of the Code for C-1 "commercial uses in this district are not overly intrusive to the surrounding residential areas including but not limited to the following characteristics: low noise levels, odor generation, obstructive lighting and hours of operation 8:00 am to 9:00 pm. Will the Board look at every proposal to build there. Councilman Quatroche comments that one of the things they do often with a rezoning, if it is in an area where they feel certain parts of that zoning may not be appropriate for that area, they can put restrictions on that rezoning. They have done that in the past. Drew Reilly comments that he has already recommended, one of the things that is allowed in the C-1 zone are eating and drinking establishments and a condition of the approval of this is the elimination of these eating or drinking establishments. They would not want a restaurant on that corner. However, a bank or small office would be a better use, they would fit the least obtrusive criteria. Banks, when done right, can be good neighbors to residential properties. They changed the zoning in Neighborhood Commercial to allow for Banks because they were convinced they would be a good neighbor.

Councilwoman Kesner questions what is behind this property. Drew responds that there are residential properties, on the east side of the road, behind all of the available property.

Councilman Cavalcoli comments that wherever there is commercial abutting residential there are buffering requirements. Councilwoman Hochul comments that when they look at this they can require a larger buffer and landscaping.

Ken Nuwer comments that not limited to sounds like a loop hole. Councilman Cavalcoli responds that this gives flexibility to the Planning Board when they review the project, they set guidelines and sometimes they can be more restrictive but they cannot be less restrictive. Drew comments that the use has to be specific to what is listed in that use. The language in the intent section is to try and give people an idea of what the intent of the Town was when they created this zoning district. C-1 does not allow any automotive uses, no used car lots, no repair facilities and for this spot they definitely don't want a restaurant. They should look at if there are any other uses that they would fear and they could put a restriction on that. Councilman Cavalcoli comments that when the Town Board considers this rezoning they can put limitations, they can rezone with exceptions. What they need is to hear from the public and take that under advisement. Drew comments that the McKinley Parkway Overlay does have additional requirements for buffering the residential areas.

Dave Shelly 4536 Dorchester, his concern is the traffic issue, plus making sure there is a buffer zone between his property and the commercial zone. When he goes out on his back deck, he will be looking at the back of a building. Councilman Cavalcoli comments that they will not be allowing four story buildings, however, by looking at the limitations, the buffering can be more easily dealt with. Most banks are not two story. Drew comments that the McKinley Parkway Overlay asks for no black top roofs where you can see the HVAC. Eventually this property will be developed and he won't see the woods, but they would rather see a more pitched roof building, they also have requirements that don't allow the tall lighting. The Overlay restricts a big sign out front. They put these restrictions in because they know residents don't like things such as noise, light and visual (looking at the back of a building). Ken comments that he probably speaks for everyone on how that scenery will affect the value of their property. His yard now looks like a country setting.

Councilman Cavalcoli comments, unfortunately their property backs up to a vacant piece of property that someone owns. Unless the residents are willing to approach the owner and buy it and keep it forever green, the owners have a right to develop it. What they are trying to do is to allow the people who own the property to develop it in such a way that it is not totally unacceptable to the people behind it. So they are going to try and mitigate that impact on the neighbors and try and keep it nice as they can by buffering it and protection.

Ken Nuwers comments that restaurants are mentioned in the zoning. Drew comments that if they were to consider C-1 there would be conditions to it.

Supervisor Hoak comments that years ago they had many discussions on this. They spent a lot of money fighting the commercial construction, and they lost. So, now they are trying to work with builders, developers and residents to try and find the best possible solution for everyone. Councilman Cavalcoli comments that when a project comes into any site along there, residents are always welcome to come to Planning Board meetings where they discuss these projects and fine-tune the projects as to how they are laid out and what goes there.

Supervisor Hoak asks the Chief to address the speeding on Dorchester and Allendale.

Councilman Cavalcoli comments they normally table this for two weeks, however, they are on their summer schedule and the next meeting won't be until August. Therefore any comments that are made in writing will be considered. Drew comments that they know that there is a traffic problem in that area and want the Traffic Safety Board to look at that and there are changes being made by the NYSDOT that will help out the people on Burke Parkway. This should stop the people cutting through when they make Bayview a dead end. There are plans to reconfigure seven corners and make it safer.

Supervisor Hoak thanks everyone for their attendance and states no action will be taken this month.

## **I.**

**RESOLVED**, that the Town Board close the public hearing at this time.

Moved: Hoak

Seconded: Kesner

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

**RESOLVED**, that the Town Board approve the minutes of the following meetings:

June 14, 2004	Town Board Meeting
June 21, 2004	Work Session
June 21, 2004	Public Hearing

Moved: Hochul  
 Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche  
 Noes:

## II.

**RESOLVED**, that the Town Board approve the hiring and termination of personnel for the Building and Grounds Department:

1. Martinez, Arlene	P/T Laborer	06/21/2004	Termination
2. Wutz, Joseph	Seasonal Laborer	06/28/2004	\$9.09
3. Smith, Timothy	Seasonal Laborer	06/29/2004	\$9.09
4. Muldowney, Bryan	Seasonal Laborer	06/28/2004	\$9.09
5. Smith, Daniel	Seasonal Laborer	06/29/2004	\$6.50

Moved: Quatroche                      Seconded: Kesner  
Roll Call:        Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche  
                Noes: None  
                Carried

### III.

**WHEREAS**, in compliance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act–SEQRA) of the Environmental Conservation Law, the Hamburg Town Board has reviewed the application submitted by ZAK Management/K-Technologies for the rezoning of property located at 5424 Abel Road from R-2, Single Family Residence Attached District to C-2, General Commercial District, and

**WHEREAS,** the Town Planning Board during its review found no apparent significant environmental concerns and has recommended the rezoning, and

**WHEREAS**, this rezoning will not adversely affect the natural resources of the State and/or the health, safety, and welfare of the public, and is consistent with social and economic considerations:

**THEREFORE BE IT RESOLVED**, that the Town of Hamburg has determined that the proposed rezoning and expansion of the business are not anticipated to result in any significant effect on the environment, and that a Negative Declaration (Notice of Determination of Non-Significance) is hereby issued.

**BE IT FURTHER RESOLVED**, that the Supervisor be authorized to sign the Environmental Assessment Form.

Moved: Cavalcoli  
 Roll Call: Ayes: Hoak, Cavalcoli, Hochul, kesner, Quatroche  
 Noes: None  
 Carried

**IV.**

**WHEREAS,** the Town of Hamburg has received a petition from ZAK Management/K-Technologies for the rezoning of property located at 5424 Abel Road from R-2, Single-Family Residence-Attached District to C-2, General Commercial District, and

**WHEREAS,** the Town Planning Board has reviewed the project and recommended its approval, and

**WHEREAS,** the Town Board has held the appropriate Public Hearing and has determined that the project will not have a significant effect on the environment and issued a Negative Declaration under SEQRA, and

**WHEREAS,** the Town wishes to approve the proposed rezoning for the following reasons, and with the following conditions:

**Supporting Reasons:**

1. The project is in accordance with the Town's Comprehensive Plan which supports commercial zoning along Southwestern Blvd. in this area as part of the "Mixed-Use area."
2. The site is commercial in nature and was previously zoned commercial.

**Conditions on the Rezoning:**

1. The proposed expansion must receive site plan approval prior to the rezoning being filed.
2. The applicant will continue to try and gain vehicular access to Southwestern Blvd.

**NOW THEREFORE BE IT RESOLVED,** that the Zoning Code of the Town of Hamburg be amended as follows:

To amend Local Law #10 of the year 1986 of the Code of the Town of Hamburg entitled "Zoning." To provide for a change in the boundary of the Zoning map whereby the zoning is changed from R-2 (single family residence-attached district) to C-2 (General Commercial District) for the property located at 5424 Abel Road as described as follows:

All that tract or parcel of land situate in the Town of Hamburg, County of Erie and State of New York, being Part of Lot #21, Township 9, Range 8 of the Holland Land Company's Survey, bounded and described as follows:

Beginning at the intersection of the west line of Lot #21 with the center line of Abel Road, which point is 35.2 feet northerly from the southwest corner of Lot #21, as measured along the west line of Lot #21; thence northeasterly along the center line of Abel Road, 372.89 feet to the southern most corner of lands conveyed to Stanley Mikolajczyk and Dorothy his wife, by deed recorded in the Erie County Clerk's Office in Liber 6327 of Deeds at Page 557; thence northwesterly at right angles to the center line of Abel Road and along the southwesterly line of Mikolajczyk's land, 332.8 feet more or less to the west line of Lot #21; thence southerly at an interior angle of 48 degrees 26' and along the west line of Lot #21, 493.46 feet more or less to the point of beginning.

Moved: Cavalcoli

Seconded: Hochul

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

**BE IT RESOLVED**, that a public hearing be scheduled to consider an amendment to Local Law #12, 1968, “Shopping Centers and Other Areas of Assembly.” This amendment would provide for the addition of the following new locations:

Wilson Farms #384 & Blockbuster Video  
4931 Lakeshore Road  
Hamburg, New York 14075

Moved: Hochul                                Seconded: Kesner  
Roll Call:      Ayes: Hoak, Cavalcoli, Hochul, kesner, Quatroche  
                Noes: None  
                Carried

## VI.

1.	Castanza, Patrice	B7310(320) Rec. Attendant	06/21/2004	\$9.25 Seasonal
2.	Voltz, Cathy	B7310(320)	06/25/2004	Terminate
3.	Chmura, Kristen	A7265(230)	06/21/2004	\$7.15 Seasonal
4.	Rust, Charles	B7310(320) Rec. Attendant	06/23/2004	\$6.50 Seasonal
5.	Baldo, Steven	B7310(320)	06/23/2004	Terminate
6.	Dains, Kati	“	”	Terminate
7.	Gavin, Jill	“	”	Terminate
8.	Henry, Kimberly	“	”	Terminate
9.	Jakubowski, Mark	A7265(230)	“	Terminate
10.	Krypel, Edward	B7310(320)	“	Terminate
11.	O’Rourke, Ryan	“	”	Terminate
12.	Redmond, Rebecca	“	”	Terminate
13.	Brady, Caitlin	“	06/22/2004	Terminate
14.	Scharlock, Matthew	ER7251(225) Rec. Attendant	06/28/2004	\$6.50 Seasonal
15.	Jamison, Spencer	A7265(230) Rec. Attendant	06/28/2004	\$6.50 Seasonal
16.	Denecke, Eric	A7265(230) Rec. Attendant	06/28/2004	\$6.65 Seasonal
17.	Puleo, Sherri	B7310(320) Rec. Attendant	06/28/2004	\$8.00 Seasonal
18.	Brady, Caitlin	B7310(320) Lifeguard	06/23/2004	\$6.75 Seasonal
19.	Ignatius, Christopher	ER7251(225) Rec. Attendant	06/23/2004	\$7.00 Seasonal
20.	Schmitt, Rebecca	A7180(215) Lifeguard	06/28/2004	\$7.15 Seasonal
21.	Brady, Caitlin	B7310(320) Lifeguard	06/28/2004	\$7.00 Seasonal
22.	Kanaley Courtney	B7310(320)	07/02/2004	\$7.75 Seasonal
23.	Robb, James	Lifeguard ER7251(225) Rec. Attendant	07/08/2004	\$7.15 Seasonal

Moved: Quatroche                      Seconded: Cavalcoli  
Roll Call:      Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche



Noes: None

Carried

**VII.**  
**RESOLVED**, that the Town Board approve the hiring and termination of personnel for the Town Clerk’s Office as follows:

- |                  |                      |            |           |
|------------------|----------------------|------------|-----------|
| 1. Early Cecilia | Clerk - P/T          | 07/05/2004 | Terminate |
| 2. Early Cecilia | Clerk - P/T Seasonal | 07/06/2005 | \$8.92    |

Moved: Hochul

Seconded: Quatroche

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

**VIII.**  
**WHEREAS**, the Town Board of the Town of Hamburg is in support and appreciative of the long and exhausting hours spent by the members of the West Valley Demonstration Project Citizen Task Force. The goal to protect health, safety, and economics is not only for their town residents but for the future of all in Western New York, and

**WHEREAS**, the Citizens Task Force Resolution is copied as follows:

“**WHEREAS**, the West Valley Citizen Task Force was charged to develop recommendations to New York State Energy, Research and Development Authority and United States Department of Energy regarding the 1996 West Valley Demonstration Project Draft Environmental Impact Statement, and

**WHEREAS**, the West Valley Citizen Task Force has held over 100 meetings since January 1997 to develop these recommendations, and

**WHEREAS**, the West Valley Citizen Task Force issued its report the following year, stating it finds the site unsuitable for permanent disposal of radioactive waste.

**NOW THEREFORE BE IT RESOLVED**, that the West Valley Citizen Task Force’s end state vision for the West Valley Demonstration Project is one of unrestricted release, and

**BE IT FURTHER RESOLVED**, that the West Valley Citizen Task Force prefers that all waste be safely stored above ground until such time as it can be permanently disposed , and

**BE IT FURTHER RESOLVED**, that the West Valley Citizen Task Force request all local state, federal, and Seneca Nation governing bodies support this resolution in its entirety, Adopted April 21, 2004".

**NOW THEREFORE**, the Town Board of the Town of Hamburg on July 12, 2004 at a regular meeting does hereby support the above action of the West Valley Demonstration Project Citizen Task Force and further resolves to support West Valley Citizen Task Force Resolution I-2004 in its entirety.

Moved: Hoak

Seconded: Unanimous

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

**BE IT RESOLVED**, upon the recommendation of the Traffic Safety Advisory Board and the Town of Hamburg Police Department, that a public hearing be scheduled to amend Chapter 185 of the Code of the Town of Hamburg, entitled “Parking Code”, to include two new additional locations described as :

NILES AVENUE, west side in a northerly direction from the intersection of Tim Tam Trail approximately 575 feet to NY #179

Moved: Hochul                               Seconded: Kesner  
Roll Call:     Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche  
                Noes: None  
                Carried

Moved: Quatroche  
Seconded: Cavalcoli  
Roll Call:  
Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche  
Noes: None  
Carried

Intersection of Fairgrounds Road and Richwood Drive  
Intersection of Woodrich Court and Richwood Drive  
Intersection of Winterberry and Hackberry  
Intersection of Hackberry and White Oak

Moved: Hochul    Seconded: Quatroche  
Roll Call:        Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche  
                    Noes: None  
                    Carried

1. Spauding, Ashley	P/T Rec. Attendant	06/21/2004	Terminate
2. Spaulding, Ashley	P/T Seasonal Rec. Attendant	06/21/2004	\$7.25
3. Briscoe, Stephanie	P/T Rec. Attendant	07/06/2004	\$7.25
4. Hoak, Jacqueline	P/T Rec. Attendant	07/06/2004	\$7.25

Moved: Cavalcoli  
 Seconded: Kesner  
 Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner Quatroche  
 Noes: None  
 Carried

**XIII.**

**WHEREAS**, the Hamburg Town Board wishes to amend the H-C (Hamburg Commercial Zoning District), and

**WHEREAS**, the intent of this rezoning is to allow other compatible uses for this zone, and

**WHEREAS**, a bank may be a reasonable use for this zone, and

**WHEREAS**, the Hamburg Planning Department, upon direction from the Town Board has devised zoning amendments to accomplish this need, and they are as follows:

Amend Article XVA: H-C Hamburg Commercial District as follows:

**Under**  
**{280-86.3 Permitted Uses**

A. Principal uses and structures no greater than 6,000 ft. of gross floor area.

Add new item (8):

(8) The following uses by Special Use Permit authorized by the Planning Board  
(see Article XXXIV)

(A) Branch banks up to 10,000 ft. in size (drive through facilities allowed with screening from residential areas).

Amend Article XXXIV: Special Use Permits as follows:

**Under {280-207.1 Banks and drive-through banks**

**Add:**

A second heading under D as follows:

No Special Use Permit for a bank or drive-through bank in the H-C Hamburg Commercial District shall be authorized unless the applicant's project meets the requirements of {280-200B (1), (2), (3), and (4) and the following:

- A. Buffering of surrounding residential areas
- B. Meeting of any overlay zoning requirements
- C. Proper access and internal traffic flow, and access management techniques:  
Cross access, shared driveways, etc.

**NOW THEREFORE BE IT RESOLVED**, that the Hamburg Town Board sets a Public Hearing on this zoning amendment for its meeting of August 9<sup>th</sup> at 7:30 p.m.

Moved: Cavalcoli

Seconded: Quatroche

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

**WHEREAS**, Section 64 of the Town Law requires the Town Board to designate the BANKS OR TRUST COMPANIES in which the Supervisor, Town Clerk, Town Justice (2), and Director of Finance shall deposit all monies coming into their hands by virtue of their offices, and

**NOW THEREFORE BE IT RESOLVED**, that the funds of the Town of Hamburg be deposited in any or all of the following banks:

**BE IT FURTHER RESOLVED**, that all of the said banks are hereby designated as depositories for the funds of the Town of Hamburg.

**WHEREAS**, the Town of Hamburg has received correspondence from Laurie Clark of Buffalo Road Catering requesting an interpretation of the PUD Zoning designation of the Bristol Manor Inn property at 4409 South Park Avenue, and

**WHEREAS**, the original PUD rezoning was to allow for the re-use of the existing structure as a Bed & Breakfast/Restaurant, allow for the use of the apartments, allow for future single family use, and for offices, and

**NOW THEREFORE BE IT RESOLVED**, that the Town Board determines that Buffalo Road Catering meets the PUD zoning classification, and can proceed to site plan application with the Planning Board.

Councilman Cavalcoti comments that this is not a rezoning. It is an interpretation of an existing zone. The existing zone is a PUD and this new business is looking at that site and they need this interpretation to see if they can proceed with the amount of work, effort and money that is required to go through the application process.

**XVI.**

**WHEREAS,** On June 14, 2004 the Hamburg Town Board authorized the Department of Community Development to advertise for bids for the Village of Blasdell Water Line Reconstruction project, and

**WHEREAS,** the bids were opened on July 7, 2004 at 11:00 a.m. and subsequently reviewed by the Department of Community Development in conjunction with representatives of the Village of Blasdell and their project engineer, and

**WHEREAS,** the following contractors submitted bids on the project as follows;

- Base Bid 1: (CDBG water line project only)
- Base Bid 2: (Erie County/Village of Blasdell sewer line project only)
- Combined Bid: (CDBG Base + Erie County/VOB Base)

<u>Contractor:</u>	<u>Combined Bid:</u>	<u>Base Bid CDBG:</u>	<u>Base Bid EC/VOB:</u>
Donald J. Braasch Construction	Withdrew bid due to major calculation mistake within bid documents		
CMH Co., Inc.	\$242,998.00	\$112,425.00	\$130,573.00
E & R General Construction	\$247,807.00	\$95,825.00	\$151,982.00
Kandy Company	\$282,087.15	\$107,900.00	\$174,187.15
Triple R Construction	\$298,345.50	\$101,850.50	\$196,495.00
Pinto Construction	\$302,054.00	\$129,355.00	\$172,699.00
C & C Contractors	\$303,060.30	\$124,211.00	\$178,849.30
Mar-wal Construction Co., Inc.	\$317,343.00	\$93,400.00	\$223,934.00

**WHEREAS,** the Notice to Bidders stated that the bid would be awarded on the combined bid process.

**NOW THEREFORE BE IT RESOLVED,** that the Hamburg Town Board authorize the Department of Community Development to accept the bid of and enter into a contract with CMH Co, to provide construction services for the Village of Blasdell Pearl Avenue Water Line Reconstruction portion of this project. Funding in the amount of \$100,000.00 of the total \$112,425.00 is available in CD 30 8662.355. The remaining portion of the project (\$12,425.00) to be funded by the Village of Blasdell.

- Moved: Kesner
- Seconded: Cavalcoli
- Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
- Noes: None
- Carried

**XVII.**

At a meeting of the Town Board  
Of the Town of Hamburg, held at  
the Town Hall, S-6100 South  
Park Avenue, Hamburg, New York  
On the 12<sup>th</sup> day of July 2004.

PRESENT: PATRICK H. HOAK,	Supervisor
D. MARK CAVALCOLI,	Council member
KATHLEEN COURTNEY HOCHUL,	Council member
JOAN A. KESNER,	Council member
THOMAS J. QUATROCHE, JR.,	Council member

On a motion of Councilmember Cavalcoli, seconded by Councilwoman Hochul the following resolution was proposed:

WHEREAS, JAMES F. CONNOLLY, Superintendent of Highways, states that all those parts of certain Town highways hereinafter designated have not been opened or worked for more that six (6) years last past, and have not been traveled, or have been abandoned by the public and have never been used as a public highway to wit:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Hamburg, County of Erie and State of New York being part of Lot Number 3, Township 9, Range 8 of the Holland Land Company’s Survey described as follows:

Beginning at the northeast corner of Liber 10968 Page 6268, said point being on south line of Franklin Street and west line of Franklin Park Subdivision.

Thence, east at right angles, a distance of 100.0 feet to west terminus of abandoned road 12 degrees-13’-71”.

Thence, north at right angles, a distance of 44.0 feet.

Thence, west at right angles, a distance of 100.0 feet to west bounds of Franklin Park Subdivision.

Thence, south at right angles, a distance of 44.0 fee to point of beginning.

As a condition of this transfer, Grantee acknowledges and Grantor hereby declares that all utilities that may presently have installations upon the above described premises are hereby deemed to have a permanent easement for occupation, access, operation and maintenance of their existing facilities in their current locations.

BE IT RESOLVED that the members of the Town Board, constituting the whole thereof, consent to the making and filing of the necessary certificate that this highway be and hereby is abandoned, pursuant to Section 205 of the Highway Law, and

BE IT FURTHER RESOLVED that all members of the Town Board of the Town of Hamburg subscribe the certification.

ROLL CALL

Supervisor Hoak  
Councilmember Cavalcoli  
Councilmember Hochul  
Councilmember Kesner  
Councilmember Quatroche

VOTING

Aye  
Aye  
Aye  
Aye  
Aye

The foregoing certification was duly adopted at said Town Board meeting, unanimously.

\_\_\_\_\_  
Catherine Rybczynski  
Town Clerk

ACKNOWLEDGMENT

STATE OF NEW YORK) SS  
COUNTY OF ERIE )

I, CATHERINE RYBCZYNSKI, DO HEREBY CERTIFY that I am the duly elected and acting Town Clerk of the Town of Hamburg, Erie County, New York; that the foregoing is a true and exact copy of a resolution adopted at a meeting of the Town Board held on the 12th day of July, 2004; and

I DO FURTHER CERTIFY that said meeting was called and held, and a quorum was present thereat.

IN WITNESS THEREOF, I have hereunto set my hand and affixed the seal of the Town of Hamburg this 12th day of July 2004.

\_\_\_\_\_  
CATHERINE RYBCZYNSKI  
Town Clerk  
Town of Hamburg

## CERTIFICATION

I, THE UNDERSIGNED, JAMES F. CONNOLLY, Superintendent of Highways of the Town of Hamburg, in the County of Erie, State of New York, hereby certify that all those parts or certain Town highways hereinafter designated have not been opened or worked for more than six (6) years last past, and have not been traveled, or have been abandoned by the public and have never been used as a public highway to wit:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Hamburg, County of Erie and State of New York being part of Lot Number 3, Township 9, Range 8 of the Holland Land Company's Survey described as follows:

Beginning at the northeast corner of Liver 10968 Page 6268, said point being on south line of Franklin Street and west line of Franklin Park Subdivision.

Thence east at right angles, a distance of 100.0 feet to west terminus of abandoned road 12 degrees-13'-71".

Thence, north at right angles, a distance of 44.0 feet.

Thence, west at right angles, a distance of 100.0 feet to west bounds of Franklin Park Subdivision.

Thence, south at right angles, a distance of 44.0 feet to point of beginning.

As a condition of this transfer, grantee acknowledges and Grantor hereby declares that all utilities that may presently have installations upon the above-described premises are hereby deemed to have a permanent easement for occupation, access, operation and maintenance of their existing facilities in their current locations.

ALSO, we the undersigned members of the Town Board, constituting the whole thereof, do hereby consent to the making and filing of this certificate and do hereby execute the same.

THEREFORE, pursuant to Section 205 of the Highway Law, said highway is declared to be and hereby is discontinued.

Dated: July 12, 2004

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JAMES F. CONNOLLY  
Superintendent of Highways

TOWN BOARD OF THE TOWN OF HAMBURG  
BY:

---

PATRICK H. HOAK, Supervisor

---

D. MARK CAVALCOLI, Councilmember

---

KATHLEEN HOCHUL, Councilmember

---

JOAN A. KESNER, Councilmember

---

THOMAS J. QUATROCHE, JR., Councilmember



ACKNOWLEDGMENT

STATE OF NEW YORK) SS  
COUNTY OF ERIE )

I, Catherine Rybczynski, DO HEREBY CERTIFY that I am the duly elected and acting Town Clerk of the Town of Hamburg, Erie County, New York; that the foregoing is a true and exact copy of a resolution adopted at a meeting of the Town Board held on the 12th day of July, 2004; and

I DO FURTHER CERTIFY that said meeting was called and held, and a quorum was present thereat.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Hamburg this 12th day of July 2004.

\_\_\_\_\_  
CATHERINE RYBCZYNSKI  
Town Clerk  
Town of Hamburg

**XVIII.**

**WHEREAS**, by resolution dated December 30, 2002, the Hamburg Town Board approved a requirement that contractors must have a State approved apprenticeship training program “prior to entering into a construction contract with the Town of Hamburg”; and

**WHEREAS**, this wording has resulted in various problems associated with contractors who were the low bidder on a project, but did not have a State approved program in place at the time of the bid opening and were not able to obtain the necessary approval prior to the required deadline date for entering into the contract,

**THEREFORE BE IT RESOLVED**, that, effective immediately for all future bids on Town projects for which the apprenticeship training program requirement applies, the eighth paragraph of the December 30, 2002 resolution be revised to read as follows:

“**BE IT FURTHER RESOLVED**, that the Town of Hamburg hereby requires any contractor or subcontractor, at the time of bidding on a construction contract with the Town of Hamburg, to submit appropriate documentation of having currently valid apprenticeship agreements, appropriate for the type and scope of work to be performed, which have been registered with and approved by the New York State Commissioner of Labor in accordance with Article 23 of the NEW YORK LABOR LAW, anything in Section 103 of the NEW YORK GENERAL MUNICIPAL LAW to the contrary notwithstanding.”

Moved: Cavalcoli

Seconded: Kesner

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

Bob Reynolds, Vice President of Autoworkers Steel and Trade Union Region 9, the Apprenticeship Program is one of the most important things the journeyman has coming up. They take young apprentices for four years and teach them the trade. He is really happy that this Town Board has taken a stand on this. This is very important to the young kids.

Councilman Cavalcoli thanks him for his comments. The New York State Labor Department has been pushing for this to train the young people to go into the working force in these skilled trades. Very few Towns have had the courage to stand up and support this from the State and Local level. They appreciate his support.

**XIX.**

**BE IT RESOLVED**, that the Town Engineer’s report on the completion and acceptance of the WOODS OF LAKEVIEW SUBDIVISION work performed under Public Improvement Permit Nos.843,844 and 845 be received and accepted, and that the Supervisor is authorized to sign the report.

Moved: Cavalcoli

Seconded: Quatroche

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

**WHEREAS**, over the years there has been substantial confusion and problems associated with homes using a Summit Avenue building address, due to Summit Avenue being an extension of Taylor Road; and

**WHEREAS**, the Hamburg Village Board has recently approved a resolution changing the name of this portion of Summit Avenue to Taylor Road, and the Town Public Safety Dispatch Office and Engineering Department have recommended that the Town Board take similar action,

**THEREFORE BE IT RESOLVED**, that Summit Avenue between East Eden Road and Crescent Avenue is to be renamed as Taylor Road in all official records and mapping, with house numbering to also be changed to correspond with the rest of Taylor Road.

**BE IT FURTHER RESOLVED**, that the Town Engineering Department is to notify all affected property owners and other appropriate parties accordingly.

XXI.

**RESOLVED**, that the Town Board approve the STAR Swim Clubs use of the Hamburg Town Beach for an open water swim on August 15, 2004. The competition would begin at 9:00 a.m. and last about two hours. All safety standards relating to open water swim events will be met or exceeded. All related expenses will be covered by the STAR Swim Club.

**XXII.**

**RESOLVED**, that the Town Board authorize the Recreation Department to issue alcohol waivers for the following Taylor road rentals in August as follows:

08/01/2004	08/02/2004	08/03/2004	08/05/2004
08/06/2004	08/07/2004	08/08/2004	08/09/2004
08/13/2004	08/14/2004	08/15/2004	08/20/2004
08/21/2004	08/25/2004	08/27/2004	08/28/2004
08/29/2004	08/30/2004	08/31/2004	

Moved: Quatroche                                  Seconded: Cavalcoli  
Roll Call:        Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche  
                    Noes: None  
                    Carried

## XXIII.

**RESOLVED**, that the Town Board authorize the Town Supervisor to sign a contract with Fox & Company, LLP, Certified Public Accountants, in the amount of \$24,000. This is a result of the RFP sent out by Finance in early June 2004 covering the Scope of Work to be performed. The audit contract term will cover the fiscal year ending December 31, 2004. The contract will include an option exercisable by the Town for auditing services for the five subsequent fiscal years - December 31, 2005, 2006, 2007, 2008 and 2009. Bids were as follows:

Deloitte	\$62,500
Freed Maxick & Battaglia, CPA's	\$39,750
Drescher & Malecki	\$39,500
Fox & Company LLP, CPA's	\$24,000

Moved: Hoak   Seconded: Cavalcoli  
Roll Call:       Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche  
                    Noes: None  
                    Carried

Supervisor Hoak comments that we were blessed to have Deloitte & Touche for so many years. They have been an integral part of our receiving awards for the highest in Financial Reporting for 22 consecutive years. A lot has happened in the last couple of years and we are the first Town on the GASPE 34 Reports and in that transition two individuals were part of that. They are no longer with Deloitte & Touche who also bid on this. Kudos to Jim Spute and Bob Brown for opening this up to competitive bid. From this year to next year we will see a 50% savings. This will continue for the next five years. They are looking forward to working with Fox & Company and maintaining the highest financial reporting. He thanks Mr. Spute and Mr. Brown.

XXIV.

**WHEREAS**, On June 14, 2004 the Hamburg Town Board authorized the Department of Community Development to advertise bids for the sale of vacant land (SBL # 160.5-4.11) previously purchased with CDBG funds, and

**WHEREAS**, said bids were to be opened on Wednesday, July 7, 2004 at 12:00 pm, and

**WHEREAS**, at the time of the bid opening, only one (1) bid was received.

**NOW THEREFORE BE IT RESOLVE**, that the Hamburg Town Board authorize the opening of the one (1) bid received for said sale of land.

Moved: Kesner                                Seconded: Cavalcoli  
Roll Call:      Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche  
                Noes: None  
                Carried

**XXV.**

**WHEREAS**, On June 14, 2004 the Hamburg Town Board authorized the Department of Community Development to advertise bids for the sale of vacant land (SBL # 160.09-4-4.11) previously purchased with CDBG funds, and

**WHEREAS**, said bids were to be opened on Wednesday, July 7, 2004 at 12:00 pm, and

**WHEREAS**, at the time of the bid opening, only one (1) bid was received.

**WHEREAS**, the Hamburg Town Board has authorized the opening of the one (1) bid received for said sale of land.

**NOW THEREFORE BE IT RESOLVED** that the Hamburg Town Board accept the bid of the Hamburg Natural History Society, Inc. in the amount of \$70,100.00 for the purchase of the land advertised for sale.

**BE IT FURTHER RESOLVED** that per the previous resolutions authorizing this sale, all legal and closing expenses above and beyond the bid price of \$70,100.00 for this parcel of land are to be paid for by the purchaser as part of said purchase, and that as also previously detailed, all deed restrictions and possible easements shall accompany this parcel of land.

**BE IT FURTHER RESOLVED** that Patrick H. Hoak, as Supervisor of the Town of Hamburg, is hereby authorized to execute all documents required to effectuate the sale and transfer of all right, title and interest of the Town of Hamburg in said property to the Hamburg Natural History Society, Inc. (HNHS), and that all proceeds from the sale shall be treated as federal program income as required within 24 CFR, Subpart J; Section 570.504 (Regulations pertaining to the Community Development Block Grant program) with closing date and payment procedures to be determined jointly by the Town of Hamburg Legal Department and the Department of Community Development in conjunction with the Hamburg Natural History Society, Inc.

Moved: Kesner

Seconded: Cavalcoli

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

Councilwoman Kesner congratulates Jerry Bastedo from the Natural History Society. This is a wonderful opportunity for them to redesign their entrance and accommodate all the visitors coming to that site on a daily basis. Furthermore, this will alleviate the pressure the surrounding residents have had because of their activities. This is a win win situation for everyone.

Councilman Cavalcoli wants to add his appreciation for the hard work of Councilwoman Kesner through the Community Development Department to bring this about. This has been an ongoing process for many years. This is an international jewel and we are proud to have it expand properly and they are looking forward to the development and income that they will generate through grants and new avenues of funding and appropriations to get the educational buildings up and change the traffic flow and make this an outstanding site. He thanks to Mr. Bastedo and his Board of Directors.

Supervisor Hoak comments kudos to Community Development we almost doubled the investment with the backing of Federal dollars. Kudos to Mr. Regan, Mr. Hull and Mr. Hutchison.

Mr. Bastedo, on behalf of the Hamburg Natural History Society, thanks the Town Board.

Councilman Quatroche comments kudos to Mr. Bastedo and his whole group. They have really put their heart and soul into this. He thanks all the people in the Town who have volunteered their time to make this possible.

**XXVI.**

**RESOLVED**, that the Town Board grant permission to the Police Department to advertise for one New and Unused, Unmarked Police Vehicle for use in the Detective Bureau.

Moved: Hoak                                      Seconded: Quatroche  
Roll Call:      Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche  
                    Noes: None  
                    Carried

**XXVII.**

**RESOLVED**, that the Town Board approve the hiring of personnel for the Recreation Department as follows:

1. Dulak, Jenna	B7310(320)	07/12/2004	\$5.75 Seasonal
	Rec. Attendant		

Moved: Quatroche                                      Seconded: Kesner  
Roll Call:      Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche  
                    Noes: None  
                    Carried

**XXVIII.**

**RESOLVED**, that the Town Board approve the recommendation of the Chief of Police in appointing:

JASON M. NAPPO  
S-4935 Morgan Pkwy.  
Hamburg, New York 14075

to the vacant position of POLICE OFFICER (Probationary) with the Town of Hamburg Police Department. Mr. Nappo is currently on the Civil Service list for Police Officer, established May 13, 2002, Exam #068733. Salary: \$19.28 per hour; funds available in account B3120.100. Appointment effective July 25, 2004.

Moved: Hoak                                      Seconded: Quatroche  
Roll Call:      Ayes: Hoak, Cavalcoli, Hochul, Kesner Quatroche  
                    Noes: None  
                    Carried

**RESOLVED**, that the Town Board approve the Audit of Cash Disbursements as follows:

OPERATING FUND:

TOTAL OPERATING FUND DISBURSEMENTS: \$3,971,348.57

TOTAL TRUST & AGENCY DISBURSEMENTS:	\$1,432,065.84
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TOTAL CAPITAL FUND DISBURSEMENTS: \$1,429,090.40

**TOTAL PAYROLL DISBURSEMENTS:** \$ 576,273.95

TOTAL PETTY CASH DISBURSEMENTS:	\$	145.81
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**TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT: \$7,408,924.57**

Moved: Hoak  
Seconded: Cavalcoli  
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche  
Noes: None  
Carried

## **Correspondence**

Letter # 73 - Supervisor Hoak comments that this is from a Mr. McNamara that wanted to discuss Farmland Preservation within the Town of Hamburg. He asks if Mr. McNamara is present.

Mr. McNamara, 4602 Parker Road, comments that he wrote a letter to the Town Board and has been in contact with Town Assessor, Robert Hutchison. He owns a farm on Parker Road that he would like to preserve for the future. After reading articles in the paper he started this pursuit to see if it would be feasible. The character of his neighborhood would be drastically changed if this farm leaves that area. Every piece of open space will end up with a home on it. He would like to work with the Town and/or State to keep it like it is. If he had a lot of money he could keep it like it is. However, taxes are expensive and there is pressure to buy that land and the price is fairly substantial. His sisters are part of this farm, as an estate right now, but they are also the purchasing company. They have held off the development for now. He hopes the Town will work with them.

Supervisor Hoak thanks him for his persistence. Across the street they have 65 acres, which is a special part of the Town that they want preserved. The frustration he received, in attending the Agricultural meeting on June 16<sup>th</sup>, was the money allotted from the State for Western New York. New York State has allotted \$12,000,000 Statewide, with only \$800,000 to Erie County which all went to Amherst. Councilwoman Kesner has been active in this and we do have some things to follow through on. Many farmers are in dire need and they need assistance.

Councilwoman Kesner comments that she is very happy that he is present, this is a very new program for our Town and there are a lot of questions we need answered as well. But, they are aware that there are many grants available to help them pursue this. The entire Town Board would like a stronger effort to preserve our agricultural land because it is threatened every day by the developers. But, we have an obligation to preserve that special land. They have a meeting set up with Mr. Whitney who will explain all the program details on July 22<sup>nd</sup>.

Councilman Cavalcoli comments that he has received phone calls with similar concerns from some of the farm properties along Pleasant Avenue and Lakeview Road.

Councilman Quatroche commends Mr. McNamara for wanting to do this. The way to make a quick buck on the property would be to sell it off for a subdivision. He commends his efforts in trying to preserve this and in looking out for the best interests of the Town of Hamburg. His colleagues will do everything they can to help out.

Councilwoman Hochul comments that he has taken a very courageous position and what a Town this would be if everyone cared about the character of our Town that he has demonstrated. They will work with him.

Mr. McNamara comments that you can't preserve the land forever when you gross \$200.00 per acre, the taxes take your money and you can't preserve it. But, with this program and the State funding 3/4 of the development expense and the Town only 1/4, the development expense is not a big dollar factor to keep that as farmland forever in the future. Even though the State hasn't funded much money in Western New York up until now, there needs to be a program before you can apply for money. The funding for farmland preservation has gone up to over \$200,000,000 in the governors budget for this year. It hasn't been approved, but that is what's in there. Since 1990 they have lost between 25% & 30% of land that had been farmed.

Councilwoman Kesner wants to thank Robert Hutchison for his interest in this project and all the research he has done.

Letter #75 - from Bob Reynolds concerning speeding problems on Park, Ontario, Grant and Adams Streets. Thanking Bob for the letter and Chief Coggins for following up on this.

## **Reports From Town Board Members and Department Heads**

Councilwoman Kesner reports that August 3<sup>rd</sup> is the National Night Out. George Lee, Deputy Mayor of the Village of Blasdell, comments that it starts at 6:30 and ends about 8:30.



Councilwoman Hochul reports on traffic Safety updates. The first is that they have received correspondence from the NYSDOT that they are going to commence a traffic engineering study, based on their request for a three color traffic signal at South Park and Scranton Road. She thanks Mr. Ellis for his efforts on that. Secondly, she has been trying to find out when they are going to repave the lower portion of McKinley Parkway. She was told that beginning Wednesday, July 21<sup>st</sup> they will commence a \$400,000 project. She was told it will take about three weeks. She then announces that our Defensive Driving Program was nationally recognized as the best performance award for the best driving program of 2003. We were the only Town of our size to receive this national award. Congratulations to them. She would appreciate an article in the Hamburg Sun and the News concerning the Blast on the Beach. This is one of the neatest things we do in the town. This year we will have the Hamburg Idol Competition from 2:00 to 4:00. There is a tremendous list of activities.

Councilman Quatroche wants to thank the Recreation and Building and Grounds Department. We have had a lot of rain and they had to field many complaints on the ball diamonds and they have done a great job, it's always tough when you have to fight mother nature.

Supervisor Hoak announces that before the Blast on the Beach at 9:00 in the morning they will hold a 3 km race. It's a lot of fun. Assemblyman Smith announced that the Town of Hamburg will receive State Archive money in the amount of \$10,000. He thanks Catherine Rybczynski, Town Clerk, for her involvement in that.

Mr. Spute comments that the 2005 Budget went out today. We will be starting this cycle again. They also purchased three generators for the Emergency Management Team for traffic signals during power outages.

Mr. Kapsiak reports that the Engle Drive Sewer Project has been completed. They sent out letters to the property owners stating that they can now connect into that.

Catherine Rybczynski, Town Clerk, announces that new Town maps are now available. The last time they were updated was three years ago. She would like to publically thank Rick Lardo for all his help on the revisions. This week the Town Clerk's Office will be selling the yellow magnets that say Support Our Troops and also red, white and blue ribbons that say God Bless the USA with proceeds to go to a local charity. They will be on sale for \$5.00 each.

Marty Denecke, Director of Recreation, reports that the Recreation Department received a grant in the amount of \$2,435.00 from the National Recreation and Parks Association and the NFL to be used for the Town's NFL flag program.

### **Business From the Floor**

Bob Reynolds, Vice President of the UAW local 897. He wants to thank the Hamburg IDA for their help with their new building. They will be opening this in September and it will be available to the community.

### **XXXI.**

**RESOLVED**, that the Town Board adjourn to Executive Session at 8:50 p.m. with the Legal Department.

Moved: Hoak

Seconded: Cavalcoli

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

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Catherine Rybczynski, Town Clerk

## **Correspondence - July 12, 2004**

69 - To Supervisor Hoak from the Town Clerk's Office, the monthly report with receipts totaling \$47,249.03.

70 - To Supervisor Hoak from the Hamburg Moose Lodge thanking him for attending their 14<sup>th</sup> Annual Memorial Day Flag Burning Ceremony and spending time with them.

71 - To Catherine Rybczynski, Town Clerk, from the Hamburg Moose Lodge thanking her for attending their 14<sup>th</sup> Annual Memorial Day Flag Burning Ceremony and spending time with them.

72 - To Catherine Rybczynski, Town Clerk, a copy of a letter to Charles Alessi, Erie County Sewer District #3 from the NYSDEC concerning the Palisano Subdivision - Taylor Road advising him that they have not received notice that the SEQR has been carried out, a portion of the site is located within NYS regulated wetland and the site is within an archaeologically sensitive area.

73 - To the Town Board from Joseph McNamara, 4602 Parker Road requesting an appearance before the Town Board on July 12<sup>th</sup> to discuss the possibility of participating in Farmland Preservation for property located at 4602 Parker Road.

74 - To Supervisor Hoak from Erin Crotty, NYSDEC, congratulating him on the successful application for Water Quality Improvement funding from the NYSDEC. Project No. 2003WQI5091 has been approved for a State share of \$750,000.00.

75 - To Catherine Rybczynski, Town Clerk, from Bob Reynolds, 4301 Rushford Drive, writing on behalf of the Scranton/McKinley Taxpayers Association who live in the neighborhood of Park, Ontario, Grant and Adams Streets. Thanking the Police for the noticeable step-up in patrols in their vicinity. It is gratifying to know their concerns were placed on the Police agenda. Hoping the Police will continue to keep the neighborhood safe for their senior citizens and children.